

## REMARKS

Claims 1-29 remain pending in the application. Claims 1, 13, 25, and 26 are independent claims. By this amendment, claims 1 and 25 are amended for the Examiner's consideration. Claims 5 and 17 are amended for clarity. No new matter is added because the above amendments are fully supported by the specification and drawings. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

### *Allowable Subject Matter*

Applicants appreciate the indication that claims 27-29 contain allowable subject matter, and that these claims would be allowable if rewritten to include all the limitations of the base claim and any intervening claims. In view of the amendments made to claims 1 and 25, and in view of one or more elements of claims 13 and 26 that are not disclosed by the cited references, Applicants respectfully decline to rewrite claims 27-29 at this time, but reserve the right to do so at a later date. Applicants further submit that all of the claims are in condition for allowance for the following reasons.

### *Objection to Claims*

In the Office Action, claims 5 and 17 were objected to as being unclear.

In keeping with the Examiner's suggestion, Applicants have amended claims 5 and 17 to replace "includes" with the phrase "is selected from the group consisting of". This amendment is not made for the purpose of avoiding prior art or narrowing the claimed invention, and no change in claim scope is intended. Therefore Applicants do not intend to relinquish any subject matter by these amendments. Applicants respectfully submit that claims 5 and 17, as amended, overcome the stated objection. Accordingly, Applicants respectfully request withdrawal of the objection of claims 5 and 17.

***35 U.S.C. § 102 Rejection***

Claims 1, 2, 4, 5, 8-11, and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 5,652,067 issued to Ito, *et al.* (“Ito”). This rejection is rendered moot in view of the amendments made to independent claims 1 and 25.

As amended, claims 1 and 25 each recite, in pertinent part:

wherein a hole injecting layer is not formed between the anode and the emissive layer.

This claimed feature is not shown in Ito. Instead, Ito specifically teaches including a hole injecting and transport layer (HITL) (3) between the anode (2) and the organic electroluminescent layer (OEL) (4). The positioning of a HITL (3) between the anode (2) and the OEL (4) is shown in all of Ito’s figures, and is a key feature of Ito’s invention, required to provide a high-luminance and long-lifetime OEL device which does not deteriorate with use. *See* Ito, Col. 5, lines 46-54 and col. 5, line 66 to col. 6, line 2. Although Ito shows the insertion of an electron injection and transport layer (EITL) (12) between the OEL (4) and the cathode (2), Ito expressly teaches that such insertion always occurs together with the insertion of a HITL (3) between the anode (2) and the OEL (4). Ito does not disclose (or contemplate) including an electron injecting layer between the emissive layer and the cathode electrical layer, with direct contact between an anode and the emissive layer, as claimed.

Therefore, claims 1 and 25, as amended, are allowable over Ito. Accordingly, allowance of claims 1 and 25 is respectfully requested. Claims 2, 4, 5, 8-11 are allowable over Ito due to their dependencies from allowable base claim 1. Withdrawal of the rejection of claims 1, 2, 4, 5, 8-11, and 25 is respectfully requested.

***35 U.S.C. § 103 Rejection***

Claims 13, 14, 16, 17, 20-23, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito. The rejection appears to be improper on its face because only a single reference is cited and a rejection under § 103(a) requires a combination of references. Accordingly, Applicants request that the rejection be withdrawn. Assuming, however, that the rejection was properly made, it is traversed for the following reasons.

Ito fails to show at least the following element, which is common to both claims 13 and 26:

a connecting layer formed of an electrically conductive material, the connecting layer directly contacting the cathode contact layer and the electrical conducting layer of the cathode.

An exemplary embodiment of this feature is illustratively shown in Applicants' Figure 3. In contrast, Ito shows directly contacting the cathode layer (5) to the cathode conductive layer (7). Nothing in Ito discloses or suggests using a connecting layer to directly contact the cathode contact layer and the electrical conducting layer of the cathode as claimed.

Accordingly, claims 13 and 26 are allowable over Ito. Claims 14, 16, 17, 20-23 are further allowable over Ito based on their dependencies from allowable base claim 13. Withdrawal of the rejection of claims 13, 14, 16, 17, 20-23, and 26 is respectfully requested.

### ***Claims 12 and 24***

The 35 U.S.C. § 103(a) rejection of claims 12 and 24 over Ito in view of Japanese Patent No. JP 09-082476 to Kaneko *et al.* ("Kaneko") is moot with respect to claim 12, which depends from allowable claim 1, in view of the amendment made to claim 1. The rejection is further moot with respect to claim 24, which depends from allowable claim 13, because Kaneko fails cure the deficiencies of Ito. Specifically, neither Kaneko nor Ito, alone or in combination, teach or suggest using a connecting layer to directly contact the cathode contact layer and the electrical conducting layer of the cathode as claimed in allowable base claim 13.

Accordingly, the withdrawal of the rejection of claims 12 and 24 is respectfully requested.

### ***Claims 3 and 15***

The 35 U.S.C. § 103(a) rejection of claims 13 and 15 over Ito in view of U.S. Patent No. 5,837,391 to Utsugi *et al.* ("Utsugi") is moot with respect to claim 3, which depends from allowable claim 1, in view of the amendment made to claim 1. In particular, Utsugi, like Ito, discloses insertion of a HITL between the anode and one or more emissive layers. *See* Utsugi,

Figures 6-8. The rejection is further moot with respect to claim 15, which depends from allowable claim 13, because Utsugi fails cure the deficiencies of Ito. Specifically, neither Utsugi nor Ito, alone or in combination, teach or suggest using a connecting layer to directly contact the cathode contact layer and the electrical conducting layer of the cathode as claimed in allowable base claim 13.

Accordingly, the withdrawal of the rejection of claims 3 and 15 is respectfully requested.

***Claims 6, 7, 18, and 19***

The 35 U.S.C. § 103(a) rejection of claims 6, 7, 18, and 19 over Ito in view of U.S. Patent Application No. 2003/0170491 to Liao *et al.* (“Liao”) is moot with respect to claims 6 and 7, which depend from allowable claim 1, in view of the amendment made to claim 1. The rejection is further moot with respect to claims 18 and 19, which depend from allowable claim 13, because Liao fails cure the deficiencies of Ito. Specifically, neither Liao nor Ito, alone or in combination, teach or suggest using a connecting layer to directly contact the cathode contact layer and the electrical conducting layer of the cathode as claimed in allowable base claim 13.

Accordingly, the withdrawal of the rejection of claims 6, 7, 18, and 19 is respectfully requested.

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### CONCLUSIONS

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to **Deposit Account No. 23-1951** (McGuireWoods).

Respectfully submitted,



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